

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1655

WEST VIRGINIA CWP FUND, As Carrier for Ragland Coal Co.,
Inc.,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR; ROGER D. ADKINS,

Respondents.

On Petition for Review of an Order of the Benefits Review Board
(11-0450 BLA, 11-0450 BLA-A).

Submitted: May 8, 2014

Decided: June 3, 2014

Before SHEDD and FLOYD, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Ashley M. Harman, Tiffany B. Davis, JACKSON KELLY PLLC,
Morgantown, West Virginia, for Petitioner. M. Patricia Smith,
Solicitor of Labor, Rae Ellen James, Associate Solicitor, Gary
K. Stearman, Rita A. Roppolo, UNITED STATES DEPARTMENT OF LABOR,
Washington, D.C.; Leonard J. Stayton, Inez, Kentucky, for
Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

West Virginia CWP Fund seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of black lung benefits to Roger D. Adkins pursuant to 30 U.S.C. §§ 901-945 (2012). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we deny the petition for review for the reasons stated by the Board. West Va. CWP Fund v. Dir., OWCP, Nos. 11-0450 BLA, 11-0450 BLA-A (B.R.B. Mar. 23, 2012). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED